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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,026	11/07/2001	Hiroyuki Kishi	1506.1013	4741

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EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/986,026

Applicant(s)

KISHI, HIROYUKI

Examiner

James A. Kramer

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Acknowledgements***

The examiner for this application has changed. Please indicate Examiner James Kramer as the examiner of record in all future correspondences.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 includes the limitation; "if the second sales information included in the received purchase information is not stored in said first storing part, extracting sales information containing the first information of the second sales information included in the purchase information from said first storing part".

Examiner notes that the second sales information is part of the received purchase information (defined by Applicant in claim 1). Examiner, first finds the claim confusing since it is unclear how to extract information from the first storing part when it is not stored in the first storing part.

Further the first information of the second sales information identifies the seller (defined in claim 2). Upon review of the specification and the claims as a whole, Examiner does not

Art Unit: 3627

understand how retrieving information that identifies the seller is utilized by the present invention.

Claim 5 also contains the following limitation, "if the second information of the purchase information falls in a range from a minimum second information to a maximum second information that are contained in the extracted sales information".

Examiner notes that the second information identifies a deal made. Applicant does not clearly define what a minimum and a maximum deal are determined. Examiner also notes that this information was not extracted, and therefore is not contained in the extracted sales information, as this limitation professes.

Reference claim 10 for similar issues.

Examiner notes that claims 5 and 10 are rendered so unclear that Examiner is unable to make any interpretation as to their intended meaning. As such, Examiner is unable to provide a prior art rejection to these claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3627

Claims 1-4, 6-9 and 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Quinlin et al.

Quinlan et al. teaches a method and system for redeeming rebates. Specifically, Quinlan et al. teaches a fulfillment administrator that receives an electronic file transfer from a point-of-sale data processing and storage system comprise a plurality of purchase data records. Each purchase data record comprises a list of products purchased, the date and the transaction serial number for the qualified transaction. The purchase record may also comprise other data such as store number. (column 9; lines 39-42 & 47-52).

Examiner notes that this represents receiving first sales information generated by a retail seller, which identifies a deal of a first commodity, retail seller and a time and place. It also teaches storing the received information in a first storing part.

Quinlan et al. further teaches a consumer makes a rebate claim by entering and transmitting a serial number corresponding to the qualified transactions and identifying information such as personal information about the consumer (column 9; lines 18-22). Quinlan et al. teaches that serial number corresponding to the qualified transaction is provided to the user at the time of purchase on a receipt by the point-of-sale (reference column 8; lines 18-61).

Examiner notes that the serial number corresponding to the qualified transaction represents Applicant's second sales information, as it is generated by the retail seller and identifies the retail seller, time and place at which commodity was sold. As such Examiner notes that this teaching represents receiving purchase information, which comprises personal information and second

Art Unit: 3627

sales information generated by the retail seller identifying the retail seller, place and time at which second commodity was sold.

Examiner further notes that as Applicant's invention is intended to match purchase information, then in the case where the purchase information matches, the first commodity and the second commodity are one and the same. In addition, as the fulfillment administrator collects information on a plurality of products from both the point-of-sale and the consumer, it is consistent that the information collected will be on first and second commodities.

Quinlan et al. teaches the fulfillment administrator then associates each serial number in the stored data record with a purchase data record having an identical serial number. Thus for each serial number transmitted by a customer and stored as a stored data record, there is a corresponding purchase data record with the identical serial number received by the electronic file transfer (column 10; lines 6-15). Examiner notes that the purchase data record represents Applicant's first storing part and stored data record represents Applicant's second storing part. Examiner further notes that corresponding the stored data record with the purchase data record represents storing the information as a valid purchase information.

Examiner notes that the stored data record of Quinlan et al., discussed above includes information for identifying the seller, identifying a deal made by the seller and identifying the second commodity (claim 2). Examiner once again notes that the serial number of Quinlan et al. is used to identify all of these things.

Art Unit: 3627

Examiner notes that the stored data record indicates both a time order of deals and a date of the deal (claims 3 and 4). Examiner notes that the date of the transaction is both the date and an indication of the time order of the deal.

Quinlin et al. teaches transmitting a display screen with an input area for inputting purchase information (claim 6). Reference column 12; lines 1-7.

Examiner notes that claims 1-4 and 6, rejected above are directed to a purchase information collection method. Claims 7-9, directed to a purchase information collecting program, are rejected as an apparatus for performing the method of 1-4 and 6. Claims 11-15 are directed toward a purchase information collecting method and are rejected with claims 1-4 and 5. Claims 16 and 18 are directed towards a purchase information collecting program, while claims 18 and 19 are drawn towards a purchase information collecting apparatus. Examiner notes that claims 16-19 are rejected as an apparatus for performing the method of claims 1-4 and 6 (detailed above). Finally claim 20 is directed towards a method performed by a computing system. Examiner reference the rejection to claims 1-4 and 6 in rejection of claim 20.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3627

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

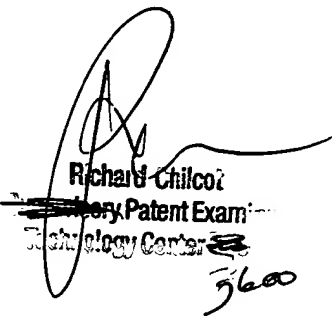


Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer  
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